

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of A'MYRACLE D'ASYA  
BRADLEY, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHAQUAYE DESHUN BRADLEY,

Respondent-Appellant,

and

STEVEN THOMAS,

Respondent.

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In the Matter of ANIYAH DONSHE BRADLEY,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHAQUAYE DESHUN BRADLEY,

Respondent-Appellant,

and

CRUZ GARY,

Respondent.

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UNPUBLISHED

August 28, 2007

No. 275700

Saginaw Circuit Court

Family Division

LC No. 06-030581-NA

No. 275701

Saginaw Circuit Court

Family Division

LC No. 06-030580

Before: Murphy, P.J., and Talbot and Servitto, JJ.

PER CURIAM.

In these consolidated appeals, respondent Shaquaye Deshun Bradley appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (g), and (j). We affirm.

The trial court may terminate a parent's parental rights to a child if the court finds that the petitioner has proven one of the statutory grounds for termination by clear and convincing evidence. MCL 712A.19b(3); *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000). "If the court finds that there are grounds for termination of parental rights, the court shall order termination of parental rights . . . , unless the court finds that termination of parental rights to the child is *clearly* not in the child's best interests." MCL 712A.19b(5)(emphasis added); see also *Trejo*, *supra* at 350.

"The clearly erroneous standard shall be used in reviewing the court's findings on appeal from an order terminating parental rights." MCR 3.977(J). The review for clear error applies to both the trial court's decision that a ground for termination of parental rights was proven by clear and convincing evidence and the court's ruling regarding the child's best interests. *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). The trial court's determination to terminate parental rights is clearly erroneous if, although there is evidence to support it, the reviewing court is left with a definite and firm conviction that a mistake had been made on consideration of all the evidence. *Id.* at 209-210.

Respondent first argues that she was denied her due process rights by petitioner's failure to provide a case service plan for respondent.

In the instant case, although petitioner originally filed a temporary custody petition on August 22, 2006, it subsequently moved the court to dismiss the petition without prejudice. After the court granted the motion, petitioner filed a permanent custody petition on October 12, 2006, seeking termination of respondent's parental rights. The court treated the petition as an initial petition seeking termination. Because the temporary custody petition was dismissed and petitioner proceeded by filing the October 12, 2006, petition as an initial permanent custody petition, petitioner was not required to provide a case service plan as reunification was not the goal; rather, the termination of respondent's parental rights was being pursued. See MCL 712A.18f(1)(b) and (3); MCL 712A.19b(4); MCR 3.977(E). On the record presented, we find no violation of respondent's due process rights.

Respondent next argues that termination was contrary to the children's best interests. Respondent does not challenge the trial court's conclusion that statutory grounds for termination were established by clear and convincing evidence. And we are not left with a definite and firm conviction that the trial court erred with respect to the children's best interests under MCL 712A.19b(5) after consideration of all the evidence.

A'Myracle tested positive for cocaine when she was born, as did respondent at the time of A'Myracle's birth, and the evidence revealed that respondent's mother, with whom respondent and the children resided, was a long-time cocaine user. Respondent began using cocaine when she was only twelve years old, after being introduced to the drug by her mother's then boyfriend. Respondent acknowledged that she used crack cocaine off and on ever since the age of twelve. Although respondent successfully completed a thirty-day inpatient drug treatment program a few months after A'Myracle's birth, she conceded that she again used cocaine after being released from the program. At trial, respondent asserted that she no longer was using drugs, but she also indicated that she had stopped communicating and meeting with personnel who were providing follow-up drug treatment therapy. Respondent also failed to take advantage of an opportunity to enter a semi-independent living program for teenaged mothers and their children, in which living and parenting skills are taught. Respondent provided questionable excuses with respect to her failure to continue drug treatment therapy and failure to enter the independent living program. Respondent continues to live in the home of her mother.

A'Myracle suffered severe second- and third-degree burns on both of her hands after being electrocuted by defective wiring on a fan in the family home. A'Myracle, nine-months old at the time, had been taking a nap on the floor, along with respondent and Aniyah, when A'Myracle crawled about seven feet over to the fan, touched the wiring, and was knocked unconscious. Respondent admitted that she herself had been shocked on her foot by the same fan a week before A'Myracle was injured. She acknowledged that an electrical danger existed in the home of which she was aware. Despite recognizing the risk and the danger posed to her young children, respondent did not get rid of the fan simply because her mother told her not to do so. The fan was still being used the day after A'Myracle was injured, although the fan was subsequently removed. The protective services worker who was assigned the case opined that the children would be at risk if returned to respondent.

Given respondent's drug history, as well as the drug use by her mother, in whose home the children were living, and considering respondent's extremely poor judgment regarding the safety of her children, we cannot conclude that termination of parental rights to the children was *clearly* not in the children's best interests, let alone that there existed clear error in regard to the trial court's ruling on the matter.

Affirmed.

/s/ William B. Murphy  
/s/ Michael J. Talbot